

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DEXTER SALLIS,

v.
Plaintiff,

ORDER

08-cv-514-slc

DR. BURTON COX and JOHN PAQUIN,

Defendants.

On August 24, 2009, I granted summary judgment in favor of defendants because plaintiff failed to adduce evidence that would allow a reasonable jury to infer that either defendant was aware of plaintiff's need to renew his prescription for migraine medicine before defendant Cox received a note about the matter, after which he promptly prescribed the medicine. On September 1, 2009, plaintiff filed a notice of appeal. On September 18, I ordered that plaintiff may have until October 9, 2009, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately March 1, 2009 to approximately September 1, 2009. Now plaintiff has filed a motion to voluntarily dismiss his appeal. Because his appeal has been filed, this court lacks jurisdiction to dismiss it. He must file his motion in the court of appeals.

ORDER

IT IS ORDERED that plaintiff's motion to voluntarily dismiss his notice of appeal, dkt.

60, is DENIED for lack of jurisdiction.

Entered this 7th day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge